

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 110 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

JOSHUA OREU KONYOKIE.....ACCUSED

RULING

1. Mr. Kaburi, holding brief for Sagwe, counsel for the accused made an oral application on 23rd October, 2014 for bond for his client. Mr. Kaburi says the state was given up to 25th to file their response, to show cause why the accused may not be released on bond. Mr. Otieno for the state, on the other hand said although they are yet to file their response, the state has no compelling reason to oppose the application. In the other words, they were not opposing the application.
2. The accused is charged with the offence of murder under **section 203** as read with **section 204** of the Penal Code. The charge sheets states that on 23rd May, 2012 at Lolgorian Trading Centre in Transmara District within Narok County, **Joshua Oreu Konyokie** murdered **Stephen Musiani**. He denies the offence. He now applies for bond.
3. **Article 49(1)(h)** of the Constitution makes murderailable, provided that there are no compelling reasons to deny bond. Otherwise bail pending a charge or trial, on reasonable conditions a prima facie allowable..
4. The pre-bail or pre-trial assessment report, which is in court, is favourable.
5. Accordingly, I allow the application and release the accused on personal bond of kshs. 1,000,000 with two sureties of similar amount to be approved by the Deputy Registrar of this court.
6. Upon his release, the accused shall attend court for mention of his case once a month until the case is heard and determined. The first such a mention shall be on 4th December, 2014.

Dated and delivered at KISII this 7th day of November, 2014.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Omwega holding brief for Sagwe for the applicant.

State absent for the respondent.

Edwin Mongare Court clerk.